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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/684,861	10/06/2000	Paul Bilibin	PSTM0024/MRK	2827

29524 7590 12/20/2005		EXAMINER
KHORSANDI PATENT LAW GROUP, A.L.C.		VAN DOREN, BETH
140 S. LAKE., SUITE 312		
PASADENA, CA 91101-4710	ART UNIT	PAPER NUMBER
	3623	

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
Office Action Summary		09/684,861	BILIBIN ET AL.
		Examiner	Art Unit
		Beth Van Doren	3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 October 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-13,15-17 and 19-23</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-13,15-17 and 19-23</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>20051011</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   The following is a Final office action in response to communications received 10/11/05.

Claims 14 and 18 have been canceled. Claims 1, 4, 7, 10, 15, and 17 have been amended.

Claims 22-23 have been added. Claims 1-13, 15-17, and 19-21 are now pending in this

application.

Response to Amendment

2.   Examiner acknowledges the Applicant's amendment to the specification.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-13, 15-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Thiel (U.S. 5,699,258) in view of FedEx (www.fedex.com).

4.   As per claim 1, Thiel discloses a shipping management computer system, said computer

system programmed to:

in response to each respective request by each particular user of a plurality of users to

ship a particular respective parcel, wherein each respective request includes a first address and a

second address, determine a respective potential cross-comparison delivery schedule, said

respective cross-comparison delivery schedule comprising a plurality of respective service-

specific carrier-specific delivery schedules to ship the particular respective parcel from the first

address to the second address, wherein each respective service-specific carrier-specific delivery

schedule corresponds to a respective particular delivery service of a plurality of delivery services

offered by a particular carrier of a plurality of carriers, wherein the respective potential cross

comparison delivery schedule comprises services by each respective particular carrier of the

plurality of carriers that would deliver the particular respective parcel, and wherein the shipping

management computer system is accessed by each respective particular user via a

communications network using a respective user client computer device (See abstract, column 4,

line 60-column 5, line 15, column 8, line 45-66, column 11, lines 1-25 and 46-54, wherein a

request of a user to ship a parcel from a first address to a second address is received and a

comparison is generated concerning multiple carriers using carrier specific data and the services

offered. See figure 1, column 2, lines 35-61, column 3, lines 9-26, column 7, lines 25-35, and

column 10, lines 15-35, all of which discuss the architecture of the system including a

communications network and a client device).

However, while Thiel discloses the date of shipping and planning delivery based on the

shipment type, such as express mail, Thiel does not expressly disclose that the delivery schedule

comprises a respective delivery date and a respective delivery time for each respective particular

delivery.

FedEx discloses a carrier offering shipment types, wherein shipment types comprise a

respective delivery date and a respective delivery time (See pages 2-3, page 5, section 1, and

page 6, which disclose the different service types offered along with a delivery date and time

associated with the delivery).

Thiel discloses that thee date of the shipment is input into the system and also discloses

shipment types for carriers, these shipment types including express mail, priority, etc. FedEx

discloses a respective delivery date and a respective delivery time for each service type for the

carrier, such as if the current date was 12/12/05, the shipment type "priority overnight" would

give the delivery date of 12/13/05 with the delivery time of 10:30. Therefore, since Thiel

discloses specifying a date of shipment in the system and types of services that include

guaranteed times to delivery, it would have been obvious to one of ordinary skill in the art at the

time of the invention to include displaying the delivery date and delivery time of the carrier, such

as the dates and times set forth in FedEx, in order to increase user satisfaction with shipping

items by showing a display containing more comprehensive information about the service types

offered by the competing carriers, thus aiding the user in the selection of a proper carrier. See

column 10, lines 55-67, and column 11, lines 45-55, of Thiel.

5.   As per claim 2, Thiel teaches a shipping management computer system, said computer

system further programmed to:

        calculate a respective shipping rate for each said respective particular delivery service to

ship the particular respective parcel according to the respective service-specific carrier-specific

delivery schedule (See column 4, line 60-column 5, line 15, column 6, lines 49-55, column 8,

line 45-66, column 10, line 65-column 11, line 25 and 46-54, wherein a shipping rate is

calculated for each carrier).

6.   As per claim 3, Thiel teaches the shipping management computer system further

programmed to: in response to a user request by a respective particular user for a shipping rate

and delivery schedule comparison, generate a display of an online, interactive prompt to a

display monitor configured with the respective user client computer device of the respective

particular user, said online interactive prompt comprising a simultaneous cross-comparison of

said respective shipping rates, the display of each respective shipping rate corresponding to a

display of the respective service-specific carrier-specific delivery schedule for the particular

delivery service to ship the particular respective parcel (See column 6, lines 7-11 and 50-55,

column 7, lines 15-30, column 10, lines 45-64, column 11, lines 45-55, wherein a display shows

a cross comparison of multiple carriers by plans, charges, and types. See figure 1, column 2,

lines 35-61, column 3, lines 9-26, column 7, lines 25-35, and column 10, lines 15-35, all of

which discuss the architecture of the system including a communications network and a client

device connected to the network).

7.   Claims 4, 5, and 6 recite equivalent limitations to claims 1, 2, and 3, respectively, and are

therefore rejected using the same art and rationale as applied above.

8.   Claims 7, 8, and 9 recite equivalent limitations to claims 1, 2, and 3, respectively, and are

therefore rejected using the same art and rationale as applied above.

9.   As per claim 10, Thiel teaches a shipping management computer system for:

        allowing a user to request a package delivery service by providing shipping specifications

(See column 4, line 60-column 5, line 15, column 8, line 45-66, column 11, lines 1-25 and 46-54,

wherein a request is allowed to the system);

        receiving said shipping specifications from said user (See column 3, lines 35-42, column

8, line 45-66, column 11, lines 1-25 and 46-54, wherein the specifications of the origin and

destination are received, as well as a weight and type of mail);

        identifying, from a plurality of carriers, a subset of carriers based on said shipping

specifications, each of said subset of carriers being capable of satisfying said shipping

specifications by providing said package delivery service to said user (See abstract, column 4,

line 60-column 5, line 15, column 8, line 45-66, column 11, lines 1-25 and 46-54, wherein a

subset of carriers are identified based on the provided specifications);

identifying a first carrier from said subset of carriers and a first set of shipment types

provided by said first carrier (See abstract, column 4, line 60-column 5, line 15, column 8, line

45-66, column 11, lines 1-25 and 46-54, wherein the different type of shipments are identified

for the first carrier, such as express, air, priority mail or general delivery);

determining a first set of delivery schedules according to which said first carrier would be

able to satisfy said shipping specifications, each one of said first set of delivery schedules

corresponding to at least one of said first set of shipment types (See column 4, line 60-column 5,

line 15, column 8, line 45-66, column 11, lines 1-25 and 46-54, which discloses the delivery

schedules associated with the shipping specifications, such as next day delivery);

calculating a first set of service charges by said first carrier, each one of said first set of

service charges calculated based upon at least one of said first set of shipment types provided by

said first carrier (See column 4, line 60-column 5, line 15, column 6, lines 49-55, column 8, line

45-66, column 10, line 65-column 11, line 25 and 46-54, wherein charges are calculated);

identifying a second carrier from said subset of carriers and a second set of shipment

types provided by said second carrier (See abstract, column 4, line 60-column 5, line 15, column

8, line 45-66, column 11, lines 1-25 and 46-54, wherein the different type of shipments are

identified for a second carrier, such as express, air, priority mail or general delivery);

determining a second set of delivery schedules that said second carrier is capable of

providing to said user, each one of said second set of delivery schedules corresponding to at least

one of said second set of shipment types (See column 4, line 60-column 5, line 15, column 8, line

45-66, column 11, lines 1-25 and 46-54, which discloses the delivery schedules associated with the shipping specifications, such as next day delivery);

calculating a second set of service charges by said second carrier, each one of said second set of service charges calculated based upon at least one of said second set of shipment types provided by said second carrier (See column 4, line 60-column 5, line 15, column 6, lines 49-55, column 8, line 45-66, column 10, line 65-column 11, line 25 and 46-54, wherein charges are calculated); and

displaying to the user said first set of delivery schedules, said first set of service charges, and said first set of shipment types (See column 6, lines 7-11 and 50-55, column 7, lines 15-30, column 10, lines 45-64, column 11, lines 45-55, wherein the user displays plans, charges, and types of a first carrier);

simultaneously displaying to the user said second set of delivery schedules, said second set of service charges, and said second set of shipment types (See column 6, lines 7-11 and 50-55, column 7, lines 15-30, column 10, lines 45-64, column 11, lines 45-55, wherein the user displays plans, charges, and types of a second carrier).

However, while Thiel discloses the date of shipping and planning delivery based on the shipment type, such as express mail, Thiel does not expressly disclose a delivery date and time.

FedEx discloses a carrier offering shipment types, wherein shipment types comprise a respective delivery date and a respective delivery time (See pages 2-3, page 5, section 1, and page 6, which disclose the different service types offered along with a delivery date and time associated with the delivery).

Thiel discloses that thee date of the shipment is input into the system and also discloses

shipment types for carriers, these shipment types including express mail, priority, etc. FedEx

discloses a respective delivery date and a respective delivery time for each service type for the

carrier, such as if the current date was 12/12/05, the shipment type "priority overnight" would

give the delivery date of 12/13/05 with the delivery time of 10:30. Therefore, since Thiel

discloses specifying a date of shipment in the system and types of services that include

guaranteed times to delivery, it would have been obvious to one of ordinary skill in the art at the

time of the invention to include displaying the delivery date and delivery time of the carrier, such

as the dates and times set forth in FedEx, in order to increase user satisfaction with shipping

items by showing a display containing more comprehensive information about the service types

offered by the competing carriers, thus aiding the user in the selection of a proper carrier. See

column 10, lines 55-67, and column 11, lines 45-55, of Thiel.

10.   As per claim 11, Thiel teaches a shipping management computer system wherein said

shipping specifications comprise a package weight, a package size, an origin, and a destination

(See column 8, line 45-66, column 10, lines 45-55, column 11, lines 1-25 and 35-50, wherein the

specifications include, weight, origin, size, and destination)

11.   As per claim 12, Thiel discloses wherein said shipping specifications further comprise a

shipping date (See column 6, lines 23-33, column 7, line 44-column 8, line 5, and column 9,

lines 1-10wherein the date to be shipped is recorded for fee purposes).

12.   As per claim 13, Thiel teaches wherein said first set of shipment types comprise ground

shipment, next day air, and express shipment (See column 8, line 45-66, which discloses the

shipment types).

13.   Claims 15 and 16 recite equivalent limitations to claims 2 and 3, respectively, and are therefore rejected using the same art and rationale applied above.

14.   As per claim 17, Thiel teaches wherein each respective service-specific carrier-specific delivery schedule corresponds to a schedule by which a particular delivery service offered by a particular carrier would deliver the particular respective parcel (See abstract, column 4, line 60-column 5, line 15, column 8, line 45-66, column 11, lines 1-25 and 46-54, wherein the comparison shows multi-carrier schedule data with respect to the parcel).

15.   As per claim 19, Thiel discloses wherein said first set of delivery schedules comprises:

a delivery schedule according to which said first carrier would be able to satisfy said shipping specifications via a first shipment type (See abstract, column 4, line 60-column 5, line 15, column 8, line 45-66, column 10, line 56-column 11, line 1-25 and 46-54, which is the first carrier that is able to satisfy the shipping request of a first type); and

a delivery schedule according to which said first carrier would be able to satisfy said shipping specifications via a second shipment type, said second shipment type being different from said first shipment type (See abstract, column 4, line 60-column 5, line 15, column 8, line 45-66, column 10, line 56-column 11, line 1-25 and 46-54, which is the first carrier that is able to satisfy the shipping request of a second type).

16.   As per claim 20, Thiel teaches wherein said second set of delivery schedules comprises:

a delivery schedule according to which said second carrier would be able to satisfy said shipping specifications via said first shipment type (See column 4, line 60-column 5, line 15, column 8, line 45-66, column 10, line 56-column 11, line 1-25 and 46-54, which shows a second carrier able to satisfy the specifications for the first type).

17.   As per claim 21, Thiel teaches wherein said second set of delivery schedules comprises:

a delivery schedule according to which said second carrier would be able to satisfy said

shipping specifications via said second shipment type (See column 4, line 60-column 5, line 15,

column 8, line 45-66, column 10, line 56-column 11, line 1-25 and 46-54, which shows a second

carrier able to satisfy the specifications for the second type).

18.   As per claims 22 and 23, Thiel discloses the date of shipping and planning delivery based

on the shipment type, such as express mail (See column 4, line 60-column 5, line 15, column 8,

line 45-66, column 11, lines 1-25 and 46-54, wherein a request of a user to ship a parcel from a

first address to a second address is received and a comparison is generated concerning multiple

carriers using carrier specific data and the services offered). However, Thiel does not expressly

disclose and FedEx discloses a respective delivery date and respective delivery time, wherein the

respective delivery date and respective delivery time correspond, respectively, to a date and time

(See pages 2-3, page 5, section 1, and page 6, which disclose the different service types offered

along with a delivery date and time associated with the delivery).

Thiel discloses that thee date of the shipment is input into the system and also discloses

shipment types for carriers, these shipment types including express mail, priority, etc. FedEx

discloses a respective delivery date and a respective delivery time for each service type for the

carrier, such as if the current date was 12/12/05, the shipment type "priority overnight" would

give the delivery date of 12/13/05 with the delivery time of 10:30. Therefore, since Thiel

discloses specifying a date of shipment in the system and types of services that include

guaranteed times to delivery, it would have been obvious to one of ordinary skill in the art at the

time of the invention to include displaying the delivery date and delivery time of the carrier, such

as the dates and times set forth in FedEx, in order to increase user satisfaction with shipping

items by showing a display containing more comprehensive information about the service types

offered by the competing carriers, thus aiding the user in the selection of a proper carrier. See

column 10, lines 55-67, and column 11, lines 45-55, of Thiel.

Response to Arguments

19.   Applicant's arguments with regards to Thiel (U.S. 5,699,258) have been fully considered,

but they are not persuasive. In the remarks, Applicant argues that (1) Thiel does not disclose

determination of a cross-comparison delivery schedule and instead discloses a stored table of

service and fees of various carriers (i.e. a table listing Express Delivery as a setting for each of

five carriers) and (2) as per claim 10, Thiel displays an optimal carrier and price along with

second and third carrier/price choices, but does not disclose displaying delivery schedules.

In response to argument (1), Examiner respectfully disagrees. Examiner first points out

that a printed or written list of items in tabular form, such as a table of postal rates, is a schedule

in the broadest reasonable interpretation of the term schedule. Therefore, Thiel's table listing

different carriers and comparing items associated with the carriers, such as express delivery and

prices, is a schedule. Thiel does disclose determining the schedule based on the current date and

the dates associated with the postal rates tables in memory. See column 4, line 60-column 5, line

15, column 8, line 45-66, column 11, lines 1-25 and 46-54. Therefore, Thiel does disclose the

determination of a schedule.

In response to argument (2), Examiner respectfully disagrees. Again, a schedule, in the

broadest reasonable interpretation, is a printed or written list of items in tabular form, such as a

table of postal rates. Therefore, since Thiel displays a first, second, and third carrier and the

associated cost with using each carrier, Thiel does disclose a schedule. See column 11, lines 1-20 and 45-60.

20.   Applicant's argument that (3) Thiel does not disclose determining a schedule comprising delivery dates and times has been considered but are moot in view of the new grounds of rejection set forth above, as necessitated by amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nicholls et al. (U.S. 5,485,369) discloses a system for transportation logistics.

Kara (U.S. 6,233,568) teaches presenting a user various service providers shipping fees

associated with particular shipping and delivery parameters.

Danford-Klein et al. (U.S. 6,061,667) teaches customers holding contracts with multiple

carriers and allowing the customers to compare the carriers for a particular shipment.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is (571) 272-6737.

The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bvd
December 12, 2005

Susanna Diaz
Primary Examiner
AU 3623